HON'BLE SRI JUSTICE L. NARASIMHA REDDY

WRIT PETITION NO. 10904 OF 2006

DATE: 01.06.2006

-

BETWEEN

1. Pilli Raja Babu, S/o Pedda, aged abut 45 years, R/o Pavara Village, Samarlakota Mandal, East Godavari District and others.

....Petitioners

AND

1. Assistant Commissioner, Endowments Department, Rajahmundry, East Godavari District and others.

.... Respondents

-

-

-

-

-

-

-

-

-

-

-

-

HON'BLE SRI JUSTICE L. NARASIMHA REDDY

WRIT PETITION NO. 10904 OF 2006

ORAL ORDER:

The petitioners state that they are lessees in respect of Ac. 2.50 cents and 3.35 cents respectively in S.No. 43 of Pavara Village, Samarlakot, East Godavari District belonging to Sri Chandra Sekhara Swamy Vari Temple, Duppalapudi Village, Anaparthi Mandal- the second respondent herein. They feel aggrieved by the notice-dated 8.5.2006 issued by the second respondent, by which they were required to handover the possession of the lands.

Learned counsel for the petitioners submits that the petitioners were not issued any notices, much less, any proceedings were initiated to terminate their leases. He contends that the petitioners are landless poor and as such could not have been required to handover the possession of the land.

The learned Government Pleader for Endowments on the other hand submits that in view of Section 82 of the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act, 1987, there does not exist any necessity to issue notices to the tenants in respect of agricultural lands held by the temples. He further contends that the petitioners were not declared as landless poor by the Assistant Commissioner of Endowments of the area and in view of the matter they are not entitled for any benefits.

Section 82 of the Act brings about the statutory termination of tenancy in respect of agricultural lands held by religious institutions. Therefore, the question of initiation of any proceedings for terminating the lease does not arise.

The Act provided for certain benefits in favour of the existing lessees, who are declared and recognized as landless poor by the Assistant Commissioner of Endowments of the area. Whenever a tenant is declared as a landless poor, he is entitled to be continued as lessee on payment of 75% of the rent, which is fetched for the land. Except claiming that they have been certified as landless poor by the Mandal Revenue Officer, the petitioners have not placed any material before this court to show that they have been recognized as landless poor by the Assistant Commissioner of Endowments. Therefore, the petitioners are not entitled for any concession, which is provided to landless poor person.

This Court does not find any basis to grant any relief to the petitioners. However, having regard to the fact that they are the tenants for the last several years, it is directed that as and when the leasehold rights of the lands referred to above are put to auction, if the petitioners express their willingness to take the land by paying the amount that is fetched in the form of highest bid, they shall be granted leases, afresh. In case, the highest bidder intends to further enhance the bid amount, the auction limited to the participation of such highest bidder and the petitioner shall be conducted and the grant of lease shall depend upon the said bid.

Writ Petition is disposed of accordingly.

_____ L. NARASIMHA REDDY, J

Date: 01.06.2006

Ka/pnb